

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**DO NOT WRITE IN THIS SPACE**

Case 13-CA-219614 Date Filed 5/3/18

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer (1) McDonald's/600 N. Clark See attached		b. Tel. No.
d. Address (Street, city, state, and ZIP code) (1) 600 N. Clark, Chicago, IL 60610 See attached		c. Cell No.
e. Employer Representative (1) - (13) (b) (6), (b) (7)(C)		f. Fax No.
		g. e-Mail
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant		h. Number of workers employed see attached
j. Identify principal product or service Fast Food		

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  
Within the last six months, the above-named employers failed and refused, in retaliation for (b) (6) having engaged in Union and protected, concerted activities and in an effort to discourage (b) (6) and other employees from participating in such activities, to provide alternate employment to (b) (6), (b) (7)(C) during a temporary closing of the 600 N. Clark location.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

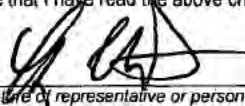
SEIU National Fast Food Workers Union

4a. Address (Street and number, city, state, and ZIP code) 850 W. Jackson, Suite 275 Chicago, IL 60607	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No. (312) 243-4731
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  
Service Employees International Union

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By  (signature of representative or person making charge)	Barry M. Bennett, Lawyer (Print type name and title or office, if any)	Tel. No. (312) 372-1361
Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich 8 South Michigan Avenue, 19th Floor, Chicago, IL 60603		Office, if any, Cell No.
Address		Fax No. (312) 372-6599
5/3/18 (date)		e-Mail bbennett@laboradvocates.com

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

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REGION 13  
CHICAGO, IL

Cases

Case Numbe	Case Name	Case Actions	Date Filed	Status	IA Category	Charging Party Petitioner	Blocked	Hot Topics	Dispute/Unit City	Dispute/Unit State	Charged Party Employer	No. 8(b)(2) Discriminatees	No. 8(a)(3) Discriminatees	No. of Employees on Petition/Charge	Description	Inquiry Id	Type	Sub Type	Team	Field Agent	Field Supervisor	Barg Status	Closed Reason	Date Closed	New	File O	Method of Contact
13-CA-217340	McDonald's 2707 N. Milwaukee and McDonald's LLC, joint employers	Case Actions	3/28/2018	Open	2	SEIU National Fast Food Workers Union	No		Chicago	IL	McDonald's USA LLC			160,000		(b) (7)(E)	C	CA	CBHILL	CBHILL	KGIANOPU	None				(b) (7)(E)	Written
13-CA-215604	McDonald's	Case Actions	2/27/2018	Open	3	National Fast Food Workers Union	No		Chicago	IL	McDonald's		1	20			C	CA	MGUERRER	MGUERRER	PPROKOP	None					eFiled
13-CA-212908	McDonald's	Case Actions	1/11/2018	Closed	2	NFFWU	No		Chicago	IL	McDonald's		1	20			C	CA	MGUERRER	MGUERRER	PPROKOP	None	Withdrawal Non-adjusted	4/18/2018			eFiled
13-CA-207536	McDonald's	Case Actions	10/6/2017	Closed	1	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's			20			C	CA	MGUERRER	MGUERRER	PPROKOP	None	Withdrawal Non-adjusted	12/15/2017			eFiled
13-CA-206642	McDonald's	Case Actions	9/21/2017	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's		1	20			C	CA	MGUERRER	MGUERRER	PPROKOP	None	Withdrawal Non-adjusted	12/15/2017			eFiled
13-CA-206455	John and Carmen Decarrier d/b/a McDonald's	Case Actions	9/19/2017	Closed	3	Workers Organizing Committee of Chicago	No		Chicago	IL	John and Carmen Decarrier d/b/a McDonald's		1	20			C	CA	CBHILL	CBHILL	JMUTH	None	Withdrawal Non-adjusted	11/28/2017			eFiled
13-CA-206358	Carmen and John DeCarrier d/b/a McDonald's	Case Actions	9/18/2017	Closed	3	Workers Organizing Committee of Chicago	No		Chicago	IL	Carmen and John DeCarrier d/b/a McDonald's		1	20			C	CA	CBHILL	CBHILL	JMUTH	None	Withdrawal Non-adjusted	11/29/2017			eFiled
13-CA-206265	McDonald's	Case Actions	9/15/2017	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's		1	20			C	CA	MGUERRER	MGUERRER	PPROKOP	None	Dismissal Non-adjusted	4/23/2018			eFiled
13-CA-190337	Canady Enterprise Corp X d/b/a McDonald's 500 W. Madison St., Chicago, Illinois and McDonald's USA, LLC, Joint Employers	Case Actions	12/22/2016	Closed	3	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		1	150,000			C	CA	JPROKOP	JPROKOP	KGIANOPU	None	Withdrawal Adjusted	2/3/2017			Written
13-CA-189171	2827 S. Cicero Avenue McDonald's and McDonald's USA, LLC, joint employers	Case Actions	12/2/2016	Closed	2	Workers Organizing Committee of Chicago	No		Cicero	IL	McDonald's USA, LLC		1	150,000			C	CA	JPROKOP	JPROKOP	KGIANOPU	None	Withdrawal Non-adjusted	12/16/2016			Written
13-CA-188570	500 W. Madison Street McDonald's and McDonald's USA, LLC, joint employers	Case Actions	11/21/2016	Closed	2	SEIU National Fast Food Workers Union	No		Chicago	IL	McDonald's USA LLC			150,000			C	CA	JPROKOP	JPROKOP	KGIANOPU	Organizational Campaign	Withdrawal Non-adjusted	12/12/2016			Written
13-CA-188371	600 E. Grand Avenue McDonalds and McDonald's USA, LLC, joint employers	Case Actions	11/17/2016	Closed	1	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA LLC			100,050			C	CA	JPROKOP	JPROKOP	KGIANOPU	None	Withdrawal Non-adjusted	12/12/2016			Written
13-CA-186446	1951 N. Milwaukee McDonald's and McDonald's USA, LLC, joint employers	Case Actions	10/18/2016	Closed	3	SEIU National Fast Food Workers Union	No		Chicago	IL	.		1	150,000			C	CA	JGREENHI	JGREENHI	KGIANOPU	None	Withdrawal Non-adjusted	12/16/2016			Written
13-CA-179428	5153 W. Chicago McDonald's and McDonald's USA, LLC, joint employers	Case Actions	7/1/2016	Closed	3	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA LLC		5	50			C	CA	CTERRELL	CTERRELL	KGIANOPU	None	Withdrawal Non-adjusted	11/22/2016			Written
13-CA-177346	Lofton Holdings Seven, Inc. d/b/a 5153 West Chicago McDonald's	Case Actions	5/27/2016	Open	2	SEIU National Fast Food Workers Union	No		Chicago	IL	McDonald's USA LLC		2	140,000			C	CA	CTERRELL	CTERRELL	KGIANOPU	None					Written
13-CA-175385	RMC Enterprises, LLC and McDonald's USA, LLC, joint employers	Case Actions	5/3/2016	Closed	2	SEIU National Fast Food Workers Union	No		Chicago	IL	McDonald's USA, LLC, joint employers		1	100,050			C	CA	CORTEGA	CORTEGA	JHOFSTRA	None	Withdrawal Non-adjusted	7/18/2016			Written
13-CA-174626	Loftons Holdings Seven, Inc., d/b/a 5153 West Chicago McDonald's and McDonald's USA, LLC, joint employers	Case Actions	4/21/2016	Closed	3	SEIU National Fast Food Workers Union	No		Chicago	IL	McDonald's USA, LLC		1	100,050			C	CA	TPORTER	TPORTER	RPAZ	None	Withdrawal Adjusted	4/27/2016			Written
						Workers										(b) (7)(E)											

13-CA-172669	McDonald's and McDonald's USA, LLC	Case Actions	3/28/2016	Closed	2	Organizing Committee of Chicago	No	Chicago	IL	McDonalds USA, LLC	1	50	(b) (7)(E)	CA	ECASTILL	ECASTILL	JMUTH	None	Withdrawal Non-adjusted	4/13/2016	(b) (7)(E)	Written
13-CA-165285	Lofton Holdings Four, LLC and McDonald's USA, LLC, joint employers	Case Actions	12/1/2015	Closed	2	SEIU National Fast Food Workers Union	No	Chicago	IL	McDonald's USA, LLC, joint employers	3	100,040	(b) (7)(E)	CA	HGUTIERR	HGUTIERR	JSCHRAND	None	Withdrawal Non-adjusted	12/9/2016	(b) (7)(E)	Written
13-CA-159428	Karavites Restaurant, Inc. d/b/a McDonald's 5130 N. Sheridan Road Chicago, IL	Case Actions	9/3/2015	Closed	2	SEIU National Fast Food Workers Union	No	Chicago	IL	McDonald's USA, LLC	1	145,000	(b) (7)(E)	CA	ECASTILL	ECASTILL	JMUTH	None	Informal Settlement	4/3/2018	(b) (7)(E)	Written
13-CA-151797	McDonald's Restaurants of Illinois, Inc. and McDonald's USA, LLC, joint employers	Case Actions	5/6/2015	Closed	2	Workers Organizing Committee of Chicago	No	Chicago	IL	McDonalds USA, LLC	1	100,045	(b) (7)(E)	CA	AHAMPTON	AHAMPTON	JSCHRAND	None	Withdrawal Non-adjusted	12/1/2015	(b) (7)(E)	Written
13-CA-150433	TaylorMade McD, Inc. d/b/a McDonald's and McDonald's USA, LLC, Joint Employers	Case Actions	4/20/2015	Closed	2	Workers Organizing Committee of Chicago	No	Chicago	IL	TaylorMade McD, Inc. d/b/a McDonald's	1	40	(b) (7)(E)	CA	MHENSEL	MHENSEL	RPAZ	None	Withdrawal Non-adjusted	7/2/2015	(b) (7)(E)	Written
13-CA-148538	Loftons Holdings Seven, Inc. d/b/a McDonald's and McDonald's USA, LLC, Joint Employers	Case Actions	3/19/2015	Closed	2	SEIU National Fast Food Workers Union	No	Chicago	IL	McDonald's USA, LLC	1	100,050	(b) (7)(E)	CA	ECORTEZ	ECORTEZ	RPAZ	Organizational Campaign	Dismissal Non-adjusted	8/26/2015	(b) (7)(E)	Written
13-CA-147394	PMA MCD, Inc., d/b/a McDonald's, 5500 W. Cermak Rd., Cicero, IL and McDonald's USA, LLC, Joint Employers	Case Actions	3/2/2015	Open	2	SEIU National Fast Food Workers Union	No	Cicero	IL	McDonald's USA, LLC	1	100,060	(b) (7)(E)	CA	ECASTILL	ECASTILL	JMUTH	None			(b) (7)(E)	Written
13-CA-147150	McDonald's USA/Joint Employers	Case Actions	2/26/2015	Open	1	SEIU National Fast Food Workers Union	No	Oak Brook	IL	McDonalds USA, LLC		1,000	(b) (7)(E)	CA	LFRIEDHE	LFRIEDHE	RPAZ	None			(b) (7)(E)	Written
13-CA-145869	6336 S. Ashland McDonald's and McDonald's USA, LLC, joint employers	Case Actions	2/5/2015	Closed	2	SEIU National Fast Food Workers Union	No	Chicago	IL	McDonald's USA LLC	1	32	(b) (7)(E)	CA	EGALLIAN	EGALLIAN	PPROKOP	None	Withdrawal Non-adjusted	2/26/2015	(b) (7)(E)	Written
13-CA-145912	Seven MCD, Inc. d/b/a McDonald's and McDonald's USA, LLC, joint employers	Case Actions	2/5/2015	Open	2	SEIU National Fast Food Workers Union	No	Chicago	IL	McDonalds USA, LLC	1	40	(b) (7)(E)	CA	ECORTEZ	ECORTEZ	RPAZ	None			(b) (7)(E)	Written
13-CA-144963	PMA MCD, Inc., d/b/a McDonald's, 5500 W. Cermak Rd., Cicero, IL	Case Actions	1/23/2015	Open	3	SEIU National Fast Food Workers Union	No	Cicero	IL	PMA MCD, Inc., d/b/a McDonald's, 5500 W. Cermak Rd., Cicero, IL	1	60	(b) (7)(E)	CA	CMOLS		JMUTH	None			(b) (7)(E)	Written

**National Labor Relations Board  
Charge Against Employer**

a.

- (2) McDonald's/203 N. LaSalle (Karavites Rest. 36148 LLC)
- (3) McDonald's/10 East Chicago Avenue (Karavites Rest. 3661 LLC)
- (4) McDonald's/6231 N. Broadway (Karavites Rest. 4650 Inc)
- (5) McDonald's/2635 N. Clark (Karavites Rest. 912 LLC)
- (6) McDonald's/Tollway (Karavites Rest. 28953 LLC)
- (7) McDonald's/4946 N. Milwaukee (Karavites Rest. 6298 LLC)
- (8) McDonald's/645 McClurg Court (Karavites Rest. 7690 LLC)
- (9) McDonald's/3020 S. Halstead (Karavites Rest. 17974 Inc.)
- (10) McDonald's/1380 W. Lake Street (Karavites Rest. 33426)
- (11) McDonald's/1117 W. Howard (Karavites Rest. (82))
- (12) McDonald's/2350 N. Central Avenue (Karavites Rest. 5744 Inc.)
- (13) McDonald's/5130 N. Sheridan Road (Karavites Rest. 4588)
- (14) McDonald's USA, LLC

Note: Employers 1-13 are named as a single integrated-enterprise and Employer 14 is named as a joint employer with the others.

d.

- (2) 203 N. LaSalle, Chicago, IL 60601
- (3) 10 East Chicago Avenue, Chicago, IL 60611
- (4) 6231 N. Broadway, Chicago, IL 60660
- (5) 2635 N. Clark, Chicago, IL 60614
- (6) 13783 W. Oasis Service Road, Mettawa, IL 60045
- (7) 4946 N. Milwaukee, Chicago, IL 60630
- (8) 645 McClurg Court, Chicago, IL 60611
- (9) 3020 S. Halstead, Chicago, IL 60608
- (10) 1380 W. Lake Street, Chicago, IL 60607
- (11) 1117 W. Howard, Evanston, IL 60002
- (12) 2350 N. Central Avenue, Chicago, IL 60639
- (13) 5130 N. Sheridan Road, Chicago, IL 60640
- (14) 2111 McDonald's Drive, Oak Brook, IL 60523

h.

- (1) Approximately 60 (all on furlough during reconstruction)
- (2) Approximately 30
- (3) Approximately 30

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REGION 13  
CHICAGO, IL

- (4) Approximately 35
- (5) Approximately 35
- (6) Approximately 30
- (7) Approximately 30
- (8) Approximately 35
- (9) Approximately 25
- (10) Approximately 30
- (11) Approximately 25
- (12) Approximately 25
- (13) Approximately 30
- (14) 100,000+

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REGION 13  
CHICAGO, IL





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-2027

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341



Download  
NLRB  
Mobile App

May 4, 2018

**(b) (6), (b) (7)(C)**

McDonald's  
600 North Clark Street  
Chicago, IL 60654-3615

**(b) (6), (b) (7)(C)**

McDonalds  
203 North LaSalle  
Chicago, IL 60601

**(b) (6), (b) (7)(C)**

McDonald's  
10 East Chicago Avenue  
Chicago, IL 60611-2009

**(b) (6), (b) (7)(C)**

McDonald's  
6231 North Broadway Street  
Chicago, IL 60660-1902

**(b) (6), (b) (7)(C)**

McDonald's  
2635 North Clark Street  
Chicago, IL 60614-1512

**(b) (6), (b) (7)(C)**

McDonald's  
13783 West Oasis Service Road  
Lake Forest, IL 60045-1024

**(b) (6), (b) (7)(C)**

McDonald's  
4946 North Milwaukee Avenue  
Chicago, IL 60630-2115

**(b) (6), (b) (7)(C)**

McDonald's  
645 North McClurg Court  
Chicago, IL 60611-3058

(b) (6), (b) (7)(C)

McDonald's  
3020 South Halsted Street  
Chicago, IL 60608-5805

(b) (6), (b) (7)(C)

McDonald's  
1380 West Lake Street  
Chicago, IL 60607-1502

(b) (6), (b) (7)(C)

McDonald's  
1117 West Howard  
Evanston, IL 60002

(b) (6), (b) (7)(C)

McDonald's  
2350 North Central Avenue  
Chicago, IL 60639-2934

(b) (6), (b) (7)(C)

McDonald's  
5130 North Sheridan Road  
Chicago, IL 60640-3114

McDonald's USA LLC  
2111 McDonald's Drive  
Oak Brook, IL 60523

Re: McDonald's as a single integrated enterprise  
and McDonald's USA, LLC a joint employer  
Case 13-CA-219614

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Elizabeth Cortez whose telephone number is (312)353-4174 and e-mail address is elizabeth.cortez@nlrb.gov. If this Board agent is not available, you may contact Supervisory Examiner Kate Gianopulos whose telephone number is (312)353-4162.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative

May 4, 2018

must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by May 17, 2018. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

May 4, 2018

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to be 'P. Sung Ohr', with a long horizontal line extending to the right.

Peter Sung Ohr  
Regional Director

EC/dg

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

13-CA-219614

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)  
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**MCDONALD'S AS A SINGLE INTEGRATED  
ENTERPRISE AND MCDONALD'S USA, LLC A  
JOINT EMPLOYER**

Charged Party

and

**SEIU NATIONAL FAST FOOD WORKERS  
UNION**

Charging Party

**Case 13-CA-219614**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 4, 2018, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

McDonald's  
600 North Clark Street  
Chicago, IL 60654-3615

**(b) (6), (b) (7)(C)**

McDonalds  
203 North LaSalle  
Chicago, IL 60601

**(b) (6), (b) (7)(C)**

McDonald's  
10 East Chicago Avenue  
Chicago, IL 60611-2009

**(b) (6), (b) (7)(C)**

McDonald's  
6231 North Broadway Street  
Chicago, IL 60660-1902

**(b) (6), (b) (7)(C)**

McDonald's  
2635 North Clark Street  
Chicago, IL 60614-1512

**(b) (6), (b) (7)(C)**

McDonald's  
13783 West Oasis Service Road  
Lake Forest, IL 60045-1024

**(b) (6), (b) (7)(C)**

McDonald's  
4946 North Milwaukee Avenue  
Chicago, IL 60630-2115

**(b) (6), (b) (7)(C)**

McDonald's  
645 North McClurg Court  
Chicago, IL 60611-3058

**(b) (6), (b) (7)(C)**

McDonald's  
3020 South Halsted Street  
Chicago, IL 60608-5805

**(b) (6), (b) (7)(C)**

McDonald's  
1380 West Lake Street  
Chicago, IL 60607-1502

**(b) (6), (b) (7)(C)**

McDonald's  
1117 West Howard  
Evanston, IL 60002

**(b) (6), (b) (7)(C)**

McDonald's  
5130 North Sheridan Road  
Chicago, IL 60640-3114

McDonald's USA LLC  
2111 McDonald's Drive  
Oak Brook, IL 60523

May 4, 2018

---

Date

Denise Gatsoudis, Designated Agent of  
NLRB

---

Name

*/s/ Denise Gatsoudis*

---

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-2027

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341



Download  
NLRB  
Mobile App

May 4, 2018

SEIU National Fast Food Workers Union  
850 West Jackson, Suite 275  
Chicago, IL 60607

Re: McDonald's as a single integrated enterprise  
and McDonald's USA, LLC a joint employer  
Case 13-CA-219614

Dear Sir or Madam:

The charge that you filed in this case on May 03, 2018 has been docketed as case number 13-CA-219614. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Elizabeth Cortez whose telephone number is (312)353-4174 and e-mail address is [elizabeth.cortez@nlrb.gov](mailto:elizabeth.cortez@nlrb.gov). If this Board agent is not available, you may contact Supervisory Examiner Kate Gianopulos whose telephone number is (312)353-4162.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.



May 4, 2018

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Peter Sung Ohr', with a long horizontal line extending to the right.

Peter Sung Ohr  
Regional Director

EC/dg  
Enclosure:  
Copy of Charge

McDonald's as a single integrated enterprise - 3 -  
and McDonald's USA, LLC a joint employer  
Case 13-CA-219614

May 4, 2018

cc: Barry M. Bennett, Attorney at Law  
Dowd Bloch Bennett Cervone Auerbach  
& Yokich  
8 South Michigan Avenue, Suite 1900  
Chicago, IL 60603-3315

**From:** [Cortez, Elizabeth](#)  
**To:** ["bbennett@laboradvocates.com"](mailto:bbennett@laboradvocates.com)  
**Subject:** 13-CA-219614 McD's (b) (6), (b) (7)(C)  
**Date:** Wednesday, May 9, 2018 5:37:00 PM

---

Hi Barry,

I've been assigned the above case for investigation. Would your witness(es) be available either tomorrow, Tuesday or Thursday for an affidavit? Also, please email me any related documents, if any.

Thank you,

**Liz Cortez**

Attorney

National Labor Relations Board, Region 13

219 S. Dearborn St., Suite 808

Chicago, IL 60604

Direct: 312-353-4174

Cell: 202-251-4594

Fax: 312-886-1341

E-mail: [Elizabeth.Cortez@nrlrb.gov](mailto:Elizabeth.Cortez@nrlrb.gov)

<https://www.nrlrb.gov/region/chicago>

## Work Confirmation

This letter is to ensure that (b) (6), (b) (7)(C) will maintain (b) (6), (b) job here at the Rock and Roll McDonalds when it reopens from remodeling. Even though (b) (6), (b) (7)(C) did not get relocated (b) (6), (b) will still have a spot available when the store opens up. In the meantime (b) (6), (b) will have another job till the McDonalds opens.

(b) (6), (b) (7)(C)

EventName	StartDate	Status	FirstName	LastName	Phone	MobilePhone	Employer
OC Mtg 12pm	(b) (6), (b) (7)(C)	Completed	(b) (6), (b) (7)(C)				McDonalds-600 N Clark St-Chicago-IL-6
12pm (b) OCMtg		Confirmed					McDonalds-600 N Clark St-Chicago-IL-6
Leaders' OCMeeting		Completed					McDonalds-600 N Clark St-Chicago-IL-6
OCMeeting CityWide		Completed					McDonalds-600 N Clark St-Chicago-IL-6
National Worker Convention		Completed					McDonalds-600 N Clark St-Chicago-IL-6
Leaders/Lideres		Completed					McDonalds-600 N Clark St-Chicago-IL-6
12pmLeadersMtg		Completed					McDonalds-600 N Clark St-Chicago-IL-6
WomynsMtg		Completed					McDonalds-600 N Clark St-Chicago-IL-6
12pmCityWide(b)		Completed					McDonalds-600 N Clark St-Chicago-IL-6
12PMOCMEETING		Completed					McDonalds-600 N Clark St-Chicago-IL-6
12pm CITYWIDE		Completed					McDonalds-600 N Clark St-Chicago-IL-6
National Action Worker		Scheduled					McDonalds-600 N Clark St-Chicago-IL-6
(b) (6), (b) DAY ACTION		Completed					McDonalds-600 N Clark St-Chicago-IL-6
National Action Worker		Scheduled					McDonalds-600 N Clark St-Chicago-IL-6
National Protest		Completed					McDonalds-600 N Clark St-Chicago-IL-6
McDonald's Shareholders		Completed					McDonalds-600 N Clark St-Chicago-IL-6
WB Attendee		Completed					McDonalds-600 N Clark St-Chicago-IL-6
National Action Worker		Completed					McDonalds-600 N Clark St-Chicago-IL-6
Oak Park McDonald's Action		Completed					McDonalds-600 N Clark St-Chicago-IL-6
Trump Action		Completed					McDonalds-600 N Clark St-Chicago-IL-6
(b) (6), (b) Vote/Celebration		Completed					McDonalds-600 N Clark St-Chicago-IL-6
MORAL MONDAYS		Completed					McDonalds-600 N Clark St-Chicago-IL-6
SAY HER NAME #REKIABOYD		Completed					McDonalds-600 N Clark St-Chicago-IL-6
Debate-Des Moines		Completed					McDonalds-600 N Clark St-Chicago-IL-6
Debate-Milwaukee		Completed					McDonalds-600 N Clark St-Chicago-IL-6
Debate-Detroit		Scheduled					McDonalds-600 N Clark St-Chicago-IL-6
Internationals (b) (6), Day		Completed					McDonalds-600 N Clark St-Chicago-IL-6
Chicago Teacher's Strike Action		Completed					McDonalds-600 N Clark St-Chicago-IL-6
OC Meeting		Completed					McDonalds-600 N Clark St-Chicago-IL-6
McSummit		Completed					McDonalds-600 N Clark St-Chicago-IL-6
McDonald's Shareholder		Completed					McDonalds-600 N Clark St-Chicago-IL-6
Pre-FF15 Convention meeting		Completed					McDonalds-600 N Clark St-Chicago-IL-6
Fight for 15 Convention		Declined					McDonalds-600 N Clark St-Chicago-IL-6
State Capitol Day of Action		Completed					McDonalds-600 N Clark St-Chicago-IL-6



Mcd SH Actions	(b) (6), (b) (7)(C)	Completed	(b) (6), (b) (7)(C)	McDonalds-600 N Clark St-Chicago-IL-6
KC Town Hall		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Chicago-(b) Action Vote		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Hustle Event		Completed		McDonalds-600 N Clark St-Chicago-IL-6
FF15-National Day of Action		Completed		McDonalds-600 N Clark St-Chicago-IL-6
ARISE Breakfast		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Chi-City Wide Meeting		Completed		McDonalds-600 N Clark St-Chicago-IL-6
FF15-Hardees & Carls Jr Action (f		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Immigration March		Completed		McDonalds-600 N Clark St-Chicago-IL-6
(b) Celebration		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Hardees and Carls Jr Action-(b)		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Hardees&Carls Jr Action(b)		Scheduled		McDonalds-600 N Clark St-Chicago-IL-6
Puzder Action(b)		Completed		McDonalds-600 N Clark St-Chicago-IL-6
A DAY WITHOUT AN IMMIGRANT		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Burger King EEOC		Completed		McDonalds-600 N Clark St-Chicago-IL-6
International (b) (6), Day		Completed		McDonalds-600 N Clark St-Chicago-IL-6
FF15 WORKER SUMMIT		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Illinois \$15 Thompson Center Ac		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Economic Justice Rally		Completed		McDonalds-600 N Clark St-Chicago-IL-6
FF15 National Day of Action-WO		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Illinois \$15 Springfield		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Nursing Home Picket		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Illinois \$15 Springfield		Completed		McDonalds-600 N Clark St-Chicago-IL-6
FF15 National Day of Action-WO		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Worker BBQ		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Hotel for Shareholder (b) (6),		Completed		McDonalds-600 N Clark St-Chicago-IL-6
FF15-McDonalds Shareholders-V		Completed		McDonalds-600 N Clark St-Chicago-IL-6
OAK PARK \$15		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Leadership Dinner		Completed		McDonalds-600 N Clark St-Chicago-IL-6
BBQ(b) (6),		Completed		McDonalds-600 N Clark St-Chicago-IL-6
(b) (6), (b) (7) ACTION		Completed		McDonalds-600 N Clark St-Chicago-IL-6
(b) (6), (b) PARADE		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Southside Action-Kim		Completed		McDonalds-600 N Clark St-Chicago-IL-6
City Wide Meeting		Completed		McDonalds-600 N Clark St-Chicago-IL-6
Rauner VETO action		Completed		McDonalds-600 N Clark St-Chicago-IL-6

FF15 (b) (6), (b) (7)(C) National Action-	(b) (6), (b) (7)(C) ConfThrice	(b) (6), (b) (7)(C)	McDonalds-600 N Clark St-Chicago-IL-6
(b) (6), (b) (7)(C) DEBRIEF Workers	Completed		McDonalds-600 N Clark St-Chicago-IL-6
DACA Action Gary Airport	Completed		McDonalds-600 N Clark St-Chicago-IL-6
POOR PEOPLE'S CAMPAIGN	Completed		McDonalds-600 N Clark St-Chicago-IL-6
ROC Mtg (b) (6), (b) (7)(C) 17	Completed		McDonalds-600 N Clark St-Chicago-IL-6
RAPID RESPONSE ACTION	Scheduled		McDonalds-600 N Clark St-Chicago-IL-6
POOR PEOPLE'S CAMPAIGN CON	Completed		McDonalds-600 N Clark St-Chicago-IL-6
RAUNER ACTION BOLINGBROOK	Completed		McDonalds-600 N Clark St-Chicago-IL-6
Women Take Action-Governors	Completed		McDonalds-600 N Clark St-Chicago-IL-6
ROC MTG	Completed		McDonalds-600 N Clark St-Chicago-IL-6
(b) (6), (b) (7)(C) NURSING HOME STRIKE HCB	Completed		McDonalds-600 N Clark St-Chicago-IL-6
WORKER PHONEBANK	Completed		McDonalds-600 N Clark St-Chicago-IL-6
Women's March	Completed		McDonalds-600 N Clark St-Chicago-IL-6
State of the State	Completed		McDonalds-600 N Clark St-Chicago-IL-6
FF15 National Day of Action-WO	Completed		McDonalds-600 N Clark St-Chicago-IL-6
STOP Deportations Action	Completed		McDonalds-600 N Clark St-Chicago-IL-6
International (b) (6), (b) (7)(C) Day	Completed		McDonalds-600 N Clark St-Chicago-IL-6
NLRB McDonald's Action	Completed		McDonalds-600 N Clark St-Chicago-IL-6
WAGE THEFT ACTION MCD 4158	Completed		McDonalds-600 N Clark St-Chicago-IL-6
(b) (6), (b) (7)(C) Day Action	Completed		McDonalds-600 N Clark St-Chicago-IL-6



LAW OFFICES  
**DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH**

8 SOUTH MICHIGAN AVENUE • 19TH FLOOR  
CHICAGO, ILLINOIS 60603-3315  
(312) 372-1361 | FAX (312) 372-6599  
WWW.DBB-LAW.COM

MELISSA J. AUERBACH  
JEREMY M. BARR  
BARRY M. BENNETT  
ROBERT E. BLOCH  
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JOSIAH A. GROFF  
JUSTIN J. LANNYE  
DAVID P. LIGHTMAN  
GEORGE A. LUSCOMBE III  
RONALD M. WILLIS  
STEPHEN A. YOKICH

WILLIAM M. KINNEY  
ELIZABETH L. ROWE

May 14, 2018

**VIA EMAIL**

Ms. Elizabeth Cortez  
Field Attorney  
National Labor Relations Board, Region 13  
219 South Dearborn Street, Suite 808  
Chicago, Illinois 60604

**Re: McDonald's  
13-CA-219614**

Dear Ms. Cortez:

This letter will provide you with a brief explanation of the basis for the above-captioned charge, and with copies of relevant documents.

(b) (6), (b) (7)(C) has been one of (b) (6), (b) (7)(C) of the Fight for \$15 campaign at the Rock n Roll McDonald's at 600 N. Clark since the campaign's inception. (b) (6), (b) (7)(C) has been employed at that facility for (b) (6), (b) (7)(C), and to the best of our knowledge there is no record of discipline against (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) has always communicated a desire to remain employed and (b) (6), (b) (7)(C) was never told management was dissatisfied with (b) (6), (b) (7)(C) or that (b) (6), (b) (7)(C)'s job was at risk. Nonetheless, when the facility closed at the end of 2017 for rebuilding, and the vast majority of (b) (6), (b) (7)(C)'s co-workers were temporarily transferred to one or another of twelve other facilities owned and operated by the individual who owns and operates the Rock n Roll facility, (b) (6), (b) (7)(C) was not transferred despite repeated requests.

I attach a listing of the various activities in which (b) (6), (b) (7)(C) has engaged on behalf of the campaign from (b) (6), (b) (7)(C) through (b) (6), (b) (7)(C) 2018. As you will see (b) (6), (b) (7)(C) has been extraordinarily active and committed.

I also attach copies of two strike notices from (b) (6), (b) (7)(C) two strike notices for (b) (6), (b) (7)(C) and two strike notices for (b) (6), (b) (7)(C). You will see that (b) (6), (b) (7)(C) is listed on each of them.



DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH

Ms. Elizabeth Cortez

May 14, 2018

Page 2

Indeed, (b) (6), (b) (7)(C) is the (b) (6), (b) (7)(C) employee who is listed on each and every one of them. In fact, each of the two strike notices for (b) (6), (b) (7)(C) lists (b) (6), (b) (7)(C) striking employees, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) individuals. I am attempting to locate additional strike notices, including notices for (b) (6), (b) (7)(C) that I understand would show (b) (6), (b) (7)(C) participating.

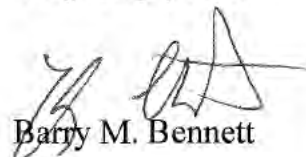
I also attach copies of three lists of employees from the Rock n Roll facility that show those individuals being temporarily transferred to any of twelve other (b) (6), (b) (7)(C) - owned McDonald's locations in the Chicago area. Despite having spoken to management, and having specifically requested a temporary transfer when (b) (6), (b) (7)(C) learned of the plans for the temporary shutdown, (b) (6), (b) (7)(C) was excluded from the temporary transfer list.

Coincidence? I suggest not.

Finally, I enclose a copy of a letter (b) (6), (b) (7)(C) provided to (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) request on the day of the closing, stating that (b) (6), (b) (7)(C) would have a job when the facility reopened.

I look forward to meeting with you tomorrow and presenting (b) (6), (b) (7)(C) so (b) (6), (b) (7)(C) can explain more about what has occurred. Feel free to contact me in the meantime if you have questions or there is anything else I can do to be of assistance.

Very truly yours,



Barry M. Bennett

BMB/ (b) (6), (b) (7)(C)

Enclosures

Confirmation Number	1000209965
Date Submitted	5/16/2018 4:36:48 PM (UTC-06:00) Central Time (US & Canada)
Case Name	McDonald's as a single integrated enterprise and McDonald's USA, LLC a joint employer
Case Number	13-CA-219614
Filing Party	Charged Party / Respondent
Name	Stevens, David E.
Email	dstevens@lapointelaw.com
Address	1200 Shermer Road, Suite 310 Northbrook, IL 60062
Telephone	(847) 786-2109
Fax	(847) 786-2650
Original Due Date	5/17/2018
Date Requested	5/30/2018
Reason for Extension of Time	Our office has just received notice of the charge today. So that we may complete a full and through investigation,we request an extension of time until May 30, 2018, to submit our position statement.
What Document is Due	Unknown
Parties Served	McDonald's USA, LLC 2111 McDonald's Drive Oak Brook, Illinois 60523  Service Employees International Union c/o Barry M. Bennett Bloch, Bennett, Cevone, Auerbach & Yokich 8 S. Michigan Avenue, 19th Floor Chicago, Illinois 60603 bbennett@laboradvocates.com

# WORKERS ORGANIZING COMMITTEE OF CHICAGO

850 W. Jackson Blvd. Suite 275 Chicago, IL 60607

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 2017

## VIA HAND DELIVERY

McDonald's/McDonald's USA, LLC Joint  
Employers  
600 N. Clark St.  
Chicago, IL 60610

Dear Joint Employers:

This serves as notification that on (b) (6), (b) (7)(C) 2017, the dedicated and hard-working employees whose names are listed below are going on strike for a \$15 an hour wage and the right to join a Union without interference. Each of these workers unconditionally offers to return to work after (b) (6), (b) (7)(C) for her or his next regularly scheduled shift. This notice and unconditional offer to return also applies to other workers who decide to join the strike.

These workers are striking to protest unfair labor practices at numerous locations for which Joint Employer McDonald's USA is responsible. Additionally, they are striking in protest of unfair labor practices occurring here and in workplaces throughout the area, and in solidarity with fast food workers and other low wage workers across the country.

The Workers Organizing Committee of Chicago is not making a demand for recognition at this time.

This is a peaceful, lawful, one-day strike protected by federal law. We expect you to obey the law and refrain from firing or cutting the hours of the striking workers, or discriminating or retaliating against them in any way for standing together to improve their jobs and safeguard their rights.

Workers Organizing Committee of Chicago

Striking Workers:

(b) (6), (b) (7)(C)



# **WORKERS ORGANIZING COMMITTEE OF CHICAGO**

850 W. Jackson Blvd. Suite 275 Chicago, IL 60607

McDonald's/McDonald's USA, LLC, Joint Employers

McDonald's  
600 N. Clark St.  
Chicago, IL 60610

Dear Joint Employers:

This letter is to notify you that on (b) (6), (b) (7)(C), 2016 the workers whose names are listed below are going on strike for a \$15 an hour wage and the right to join a Union without interference. Each of these workers unconditionally offers to return to work after (b) (6), (b) (7)(C) for her or his next regularly scheduled shift. This notice and unconditional offer to return also applies to other workers who may choose to join the strike.

These workers are also striking to protest unfair labor practices at numerous locations for which Joint Employer McDonald's USA is responsible.

In the four years since 200 fast-food workers walked off their jobs in New York City and launched the Fight for \$15, tens of thousands of fast-food workers in hundreds of cities around the country have joined the movement and taken steps to demand a living wage. The American economy is not working for these workers and many others. It is time for you to pay your employees a living wage. Instead of leading a race to the bottom, you should join the workers listed below and their fellow workers around the country in a march to the top, that will help everybody.

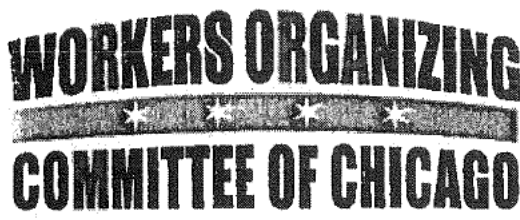
The Workers Organizing Committee of Chicago is not making a demand for recognition at this time.

This is a peaceful, lawful, one-day strike protected by federal labor law. We expect you to obey federal law and refrain from firing or cutting hours, or otherwise discriminating or retaliating against any of your workers for standing together to improve their jobs and to safeguard their rights.

**Workers Organizing Committee of Chicago**

Striking Workers:

(b) (6), (b) (7)(C)



850 W. Jackson Blvd. Suite 275, Chicago, IL 60607 | P 312.596.9414

(b) (6), (b) (7)(C) 2014

**VIA HAND DELIVERY**

600 N. Clark Street McDonald's/ McDonald's USA, LLC (Joint Employers)  
600 N. Clark Street  
Chicago, IL 60610

Dear Joint Employers:

Beginning (b) (6), (b) (7)(C) 2014, employees of the facility at 600 N. Clark Street, where you are joint employers, will go on strike. The names of the participating employees are provided at the bottom of this letter.

Your employees are striking to protest unfair labor practices at the 600 N. Clark Street location for which you are both responsible and at numerous other locations for which Joint Employer McDonald's USA is responsible, and to demand that you pay them \$15.00 an hour, implement fair scheduling practices and respectful treatment, and stop using unlawful retaliation and threats to try to interfere with their right to support and join a Union. These workers are acting in solidarity with other fast food workers across the country, they have the right to strike, and federal law prohibits you from retaliating against them for exercising that right.

Your business is profitable because of your employees' hard work, but you pay poverty wages that do not cover the basics like food, rent, and utilities. These workers are striking to raise themselves and others out of poverty, and to improve their lives. They know the corporation they really work for can afford to pay them enough to live decently.

We do not claim to represent a majority of your employees and are not presently requesting recognition or negotiations, but that does not mean that you cannot and should not satisfy your workers' demands for an end to unfair labor practices, for a living wage, and for proper treatment. We urge you to satisfy those demands immediately.

WORKERS ORGANIZING COMMITTEE OF CHICAGO  
Participating Employees

(b) (6), (b) (7)(C)

# WORKERS ORGANIZING COMMITTEE OF CHICAGO

# FIGHT FOR \$15

850 W. Jackson Blvd. Suite 275, Chicago, IL 60607 | P 312.596.9414

(b) (6), (b) (7)(C) 2014

## VIA HAND DELIVERY

600 N. Clark Street McDonald's/ McDonald's USA, LLC (Joint Employers)  
600 N. Clark Street  
Chicago, IL 60610

Dear Joint Employers:

On (b) (6), (b) (7)(C) 2014, employees at 600 N. Clark Street, where you are joint employers, will go on strike. The participating employees are listed at the bottom of this letter.

Your employees are striking to protest unfair labor practices at the 600 N. Clark Street location for which you are both responsible and at numerous other locations for which Joint Employer McDonald's USA is responsible, and to support their demand that you pay them and all of your workers at least \$15.00 an hour, that you stop using unlawful retaliation and threats to try to interfere with their right and the rights of their fellow workers to support and join a Union, that you treat them and their co-workers with respect and dignity, and that you establish fair scheduling practices. These workers are acting in solidarity with other fast food workers across the country, and on behalf of their fellow workers at your location.

This peaceful and lawful strike will last for one day. All striking workers are prepared to return to work unconditionally after (b) (6), (b) (7)(C) for their next scheduled shifts. Your workers have the right to strike, and federal law prohibits you from retaliating against them for exercising that right. We expect you to obey the law by allowing each of the strikers to return without facing retaliation or discrimination.

Your business is profitable because of how hard your employees work, but you continue to pay them poverty-level wages. Those wages do not even cover basics like food, rent, and utilities. These workers are striking to raise themselves and others out of poverty, and to improve their lives. They know the corporation they really work for can afford to pay them enough to live decently, and they call on it to do so.

The Workers Organizing Committee of Chicago does not claim to represent a majority of your employees and is not presently requesting recognition or negotiations. But that does not mean you should not satisfy your workers' demands for an end to unfair labor practices and interference, for a living wage, and for proper treatment. We urge you to satisfy those demands immediately.

Participating Employees

(b) (6), (b) (7)(C)





To: Mac Donald's  
600 North Clark St.  
Chicago IL 60610

Dear Joint Employers:

We are notifying you that on (b) (6), (b) (7)(C), 2015 we are going on strike for respect in the workplace. We are striking for the right to join a union without retaliation, and to protest unfair labor practices at numerous locations for which Joint Employer McDonald's USA is responsible, including disciplining workers here in Chicago for going on a lawful strike in April. We are also protesting unpredictable scheduling, wage theft, and unsafe working conditions occurring here, in workplaces in our city, and in solidarity with other fast food workers across the country.

We are also striking for \$15 an hour wage. McDonald's shareholders need to understand that rewarding corporate executives with multi-million dollar salaries and shareholders with billions of dollars in buybacks while keeping workers in poverty is no "turnaround plan." The workers who take care of your customers, cook and package their food, and keep the facilities clean deserve a wage that makes it possible to support themselves and their families without having to rely on public assistance.

We are not making a present demand for recognition at this time.

We unconditionally offer to return to work after (b) (6), (b) (7)(C) for our next regularly scheduled shift. This is a peaceful, lawful, strike protected by federal labor law. We expect that you will obey federal law and refrain from firing, discriminating, or retaliating against us for standing together to improve our jobs and to safeguard our rights.

(b) (6), (b) (7)(C)

# **WORKERS ORGANIZING COMMITTEE OF CHICAGO**

850 W. Jackson Blvd. Suite 275 Chicago, IL 60607

McDonald's/McDonald's USA, LLC, Joint Employers  
600 N. Clark St.  
Chicago, IL 60610

Dear Joint Employers:

This serves as notification that on (b) (6), (b) (7)(C) 2015 the workers whose names are listed below are going on strike. Each of them unconditionally offers to return to work after (b) (6), (b) (7)(C) for her or his next regularly scheduled shift. We are striking to protest unfair labor practices at numerous locations for which Joint Employer McDonald's USA is responsible. We are also striking to demand a \$15 an hour wage and the right to join a union without interference.

We are also striking to protest unpredictable scheduling and unfair treatment occurring here and in workplaces throughout the Chicago area, and in solidarity with fast food workers across the country. Further, we are striking because \_\_\_\_\_

McDonald's earns billions in profit each year because of its employees' hard work, but they are paid poverty wages that are not enough to support themselves and their families with dignity. These workers and others want to bring themselves and others out of poverty, and they know they will not improve their conditions without taking action together.

The Workers Organizing Committee of Chicago is not making a demand for recognition at this time.

This is a peaceful, lawful, one-day strike protected by federal labor law. We expect you to obey federal law and refrain from firing, discriminating, or retaliating against these workers for standing together to improve their jobs and to safeguard their rights.

Workers Organizing Committee of Chicago

**(b) (6), (b) (7)(C)**



# WORKERS ORGANIZING COMMITTEE OF CHICAGO

850 W. Jackson Blvd. Suite 275 Chicago, IL 60607

McDonald's/McDonald's USA, LLC, Joint Employers  
600 N. Clark St.  
Chicago, IL 60610

Dear Joint Employers:

On (b) (6), 2016 the workers whose names are listed below are going on strike, with the workers designated as "2 Day" also being on strike on (b) (6), (b) (7)(C). Each of these workers unconditionally offers to return to work after (b) (6), (b) (7)(C) for her or his next regularly scheduled shift, except the 2 Day strikers unconditionally offer to return for the next scheduled shift after (b) (6), (b) (7)(C). This notice and unconditional offer to return also applies to other workers who may choose to join the strike.

These workers are striking to demand a \$15 an hour wage and the right to join a Union without interference, and to protest unfair labor practices at numerous locations for which Joint Employer McDonald's USA is responsible. In addition, these workers are striking for fair scheduling and respectful treatment.

McDonald's is using its enormous economic power to lead a race to the bottom that hurts workers, taxpayers, consumers, franchisees, and other businesses in the industry. Your workers call on McDonald's to do the right thing by paying them \$15 an hour and respecting their right to collective action. They want McDonald's to stop manipulating loopholes and offshore schemes, and to pay its fair share of taxes so money is available for child care, health care, and public education. Your workers call on McDonald's to end the race to the bottom, and instead to lead a race to the top that will help lift all workers, our communities, and the entire economy.

The Workers Organizing Committee of Chicago is not demanding recognition at this time.

This is a peaceful, lawful strike protected by federal labor law. We expect you to obey the law and not fire any of the strikers or cut their hours, or otherwise retaliate or discriminate against any of them for standing together to demand that they be treated fairly.

Workers Organizing Committee of Chicago

Striking Workers:

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

n	Going to #	Address
(b) (6),		Karavites Rest. 7690 LLC 645 McClurg Ct Chicago, IL 60611
(b) (7)		Karavites Rest. 6298 LLC 4946 N. Milwaukee Chicago, IL 60630
(C)		Karavites Rest. 912 LLC 2635 N. Clark Chicago, IL 60614
		Karavites Rest. 28953 LLC (Tollway) 13783 W. Oasis Service Rd Mettawa, IL 60045
		Karavites Rest 3661 LLC 10 E. Chicago Ave Chicago, IL 60611
		Karavites Rest 3661 LLC 10 E. Chicago Ave Chicago, IL 60611
		Karavites Rest. 7690 LLC 645 McClurg Ct Chicago, IL 60611
		Karavites Rest. 33426 1380 W. Lake St Chicago, IL 60607
		Karavites Rest. 5744 Inc 2350 N. Central Ave Chicago, IL 60639
		Karavites Rest. 7690 LLC 645 McClurg Ct Chicago, IL 60611
		Karavites Rest 33426 1380 W. Lake St Chicago, IL 60607
		Karavites Rest. 36148 LLC 203 N. LaSalle Chicago, IL 60601
		Karavites Rest. 5744 Inc 2350 N. Central Ave Chicago, IL 60639
		Karavites Rest. 5744 Inc 2350 N. Central Ave Chicago, IL 60639
		Karavites Rest. 36148 LLC 203 N. LaSalle Chicago, IL 60601
		Karavites Rest. 36148 LLC 203 N. LaSalle Chicago, IL 60601
		Karavites Rest 33426 1380 W. Lake St Chicago, IL 60607
		Karavites Rest. 6298 LLC 4946 N. Milwaukee Chicago, IL 60630
		Karavites Rest 4650 INC 6231 N. Broadway Chicago, IL 60660
		Karavites Rest 17974 Inc 3020 S. Halsted Chicago, IL 60608
		Karavites Rest 3661 LLC 10 E. Chicago Ave Chicago, IL 60611
		Karavites Rest 3661 LLC 10 E. Chicago Ave Chicago, IL 60611
		Karavites Rest 33426 1380 W. Lake St Chicago, IL 60607
		Karavites Rest 33426 1380 W. Lake St Chicago, IL 60607
		Karavites Rest 3661 LLC 10 E. Chicago Ave Chicago, IL 60611
		Karavites Rest. 912 LLC 2635 N. Clark Chicago, IL 60614



## Work Confirmation

This letter is to ensure that (b) (6), (b) (7)(C) will maintain (b) (6), (b) (7) job here at the Rock and Roll McDonalds when it reopens from remodeling. Even though (b) (6), (b) (7)(C) did not get relocated (b) (6), (b) (7) will still have a spot available when the store opens up. In the meantime (b) (6), (b) (7) will have another job till the McDonalds opens.

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Karavites Rest 33426 1380 W. Lake St Chicago, IL 60607  
 Karavites Rest 3661 LLC 10 E. Chicago Ave Chicago, IL 60611  
 Karavites Rest 912 LLC 2635 N. Clark Chicago, IL 60614

Karavites Rest 36148 LLC 203 N. LaSalle Chicago, IL 60601  
 Karavites Rest 3661 LLC 10 E. Chicago Ave Chicago, IL 60611  
 Karavites Rest 4650 INC 6231 N. Broadway Chicago, IL 60660  
 Karavites Rest 912 LLC 2635 N. Clark Chicago, IL 60614  
 Karavites Rest 28953 LLC (Tollway) 13783 W. Oasis Service Rd Mettawa, IL 60045  
 Karavites Rest 3661 LLC 10 E. Chicago Ave Chicago, IL 60611  
 Karavites Rest 36148 LLC 203 N. LaSalle Chicago, IL 60601  
 Karavites Rest 6298 LLC 4946 N. Milwaukee Chicago, IL 60630  
 Karavites Rest 7690 LLC 645 McClurg Ct Chicago, IL 60611  
 Karavites Rest 17974 Inc 3020 S. Halsted Chicago, IL 60608  
 Karavites Rest 17974 Inc 3020 S. Halsted Chicago, IL 60608  
 Karavites Rest 6298 LLC 4946 N. Milwaukee Chicago, IL 60630

Karavites Rest 3661 LLC 10 E. Chicago Ave Chicago, IL 60611  
 Karavites Rest 912 LLC 2635 N. Clark Chicago, IL 60614  
 Karavites Rest 33426 1380 W. Lake St Chicago, IL 60607  
 Karavites Rest 4588 5130 N. Sheridan Rd Chicago, IL 60640  
 Karavites Rest 36148 LLC 203 N. LaSalle Chicago, IL 60601  
 Karavites Rest 7690 LLC 645 McClurg Ct Chicago, IL 60611  
 Karavites Rest 33426 1380 W. Lake St Chicago, IL 60607  
 Karavites Rest 6298 LLC 4946 N. Milwaukee Chicago, IL 60630  
 Karavites Rest 3661 LLC 10 E. Chicago Ave Chicago, IL 60611  
 Karavites Rest 4650 INC 6231 N. Broadway Chicago, IL 60660

Karavites Rest 36148 LLC 203 N. LaSalle Chicago, IL 60601  
 Karavites Rest 3661 LLC 10 E. Chicago Ave Chicago, IL 60611  
 Karavites Rest 6298 LLC 4946 N. Milwaukee Chicago, IL 60630  
 Karavites Rest (82) 1117 N. Howard Evanston IL 60007



(b) (6), (b) (7)(C)

(b) (6), (b)  
(7)(C)

Karavites Rest (82) 1117 W. Howard Evanston IL 60003

Karavites Rest 3661 LLC 10 E. Chicago Ave Chicago, IL 60611

Karavites Rest 33426 1380 W. Lake St Chicago, IL 60607

Karavites Rest 36148 LLC 203 N. LaSalle Chicago, IL 60601

Karavites Rest 36148 LLC 203 N. LaSalle Chicago, IL 60601

Karavites Rest 5744 Inc 2350 N. Central Ave Chicago, IL 60639

Karavites Rest 5744 Inc 2350 N. Central Ave Chicago, IL 60639

Karavites Rest 912 LLC 2635 N. Clark Chicago, IL 60614

Karavites Rest 6298 LLC 4946 N. Milwaukee Chicago, IL 60630

Karavites Rest 912 LLC 2635 N. Clark Chicago, IL 60614

Karavites Rest 6298 LLC 4946 N. Milwaukee Chicago, IL 60630

PTD



**From:** [Barry Bennett](#)  
**To:** [Cortez, Elizabeth](#)  
**Subject:** (b) (6), (b) (7)(C)  
**Date:** Tuesday, June 26, 2018 4:47:25 PM

---

Liz,

I got this an email with this information from (b) (6), (b) (7) after we hung up, which is why I was trying to call you--

(b) (6), (b) (7)(C) is saying that in (b) (6), (b) (7)(C) a day at Rock n Roll

(b) (6), (b) (7)(C) was cleaning the bathrooms, working the soda machine, working the french fries, working the drive thru and then cleaning the lobby.

(b) (6), (b) (7)(C) says that (b) (6), (b) (7)(C) was only working the (b) (6), (b) (7)(C)-

--

**BARRY M. BENNETT**  
**DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH**  
8 South Michigan Avenue | 19th Floor | Chicago, IL 60603  
Phone 312.372.1361 | Fax 312.372.6599

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**From:** [Barry Bennett](#)  
**To:** [Cortez, Elizabeth](#)  
**Subject:** (b) (6), (b) (7)(C)  
**Date:** Tuesday, June 26, 2018 5:04:50 PM

---

Liz, Here is a follow-up (b) (6), (b) (7) sent as (b) (6), (b) (7) and (b) (6), (b) (7)(C) continued talking--

(b) (6), (b) (7)(C) said they keep (b) (6) in the "lobby" because (b) (6) is "flexible" and can do 3 things at once (b) (6) said the supervisors say this to (b) (6), (b) (7). So they use (b) (6) wherever they need (b) (6) throughout the day.

(b) (6), (b) (7)(C) has now left the Union office but we can contact (b) (6) if needed. I hope you and I can speak soon.

Thanks.

Barry

--

**BARRY M. BENNETT**  
**DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH**  
8 South Michigan Avenue | 19th Floor | Chicago, IL 60603  
Phone 312.372.1361 | Fax 312.372.6599

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**MEMORANDUM**

TO: File

DATE: (b) (6), (b) (7)(C) 2018

RE: McDonald's as a single integrated enterprise and McDonald's USA, LLC a joint employer  
Case 13-CA-219614

FROM: Elizabeth Cortez, FIELD ATTORNEY

**CONVERSATION WITH discriminatee (b) (6), (b) (7)(C)**  
**and Atty. Barry Bennett (b) (6), (b) (7)(C)**

Since the Employer took the position that (b) (6), (b) (7)(C) was a (b) (6), (b) (7)(C) and there was nowhere to relocate (b) (6), (b) (7)(C) I decided to confirm what (b) (6), (b) (7)(C) job duties consisted of since (b) (5), (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Bennett and (b) (6), (b) (7)(C) and I were all on the call at the same time. (b) (6), (b) (7)(C)  
(b) (5), (b) (6), (b) (7)(C)

This is what I confirmed with (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (5)



McDonald's as a single integrated enterprise - 2 -  
and McDonald's USA, LLC a joint employer  
Case 13-CA-219614

(b) (6), 2018  
(b) (7)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-2027

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341

August 9, 2018

Barry M. Bennett, Esq.  
Dowd Bloch Bennett  
Cervone Auerbach & Yokich  
8 South Michigan Avenue, Suite 1900  
Chicago, IL 60603-3315

Re: McDonald's as a single integrated enterprise  
and McDonald's USA, LLC a joint  
employer  
Case 13-CA-219614

Dear Mr. Bennett:

We have carefully investigated and considered your charge that McDonald's as a single integrated enterprise and McDonald's USA, LLC, a joint employer, have violated the National Labor Relations Act.

**Decision to Dismiss:** SEIU National Fast Food Workers Union has alleged that McDonald's/600 N. Clark, et. al. (hereafter "Employer") failed and refused to provide alternate employment to (b) (6), (b) (7)(C) during a temporary closing of the 600 N. Clark location in violation of Sections 8(a)(1) and (3). However, the evidence is insufficient to show the Employer retaliated against (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) protected concerted or union activities or to discourage (b) (6), (b) (7)(C) and other employees from participating in such activities. Instead, the evidence in totality showed the Employer offered employees alternate employment based on job classifications rather than seniority.

**Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at [www.nlrb.gov](http://www.nlrb.gov) and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at [www.nlrb.gov](http://www.nlrb.gov). You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

August 9, 2018

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **August 23, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than August 22, 2018. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before August 23, 2018**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after August 23, 2018, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ *Jessica Muth*

Jessica Muth  
Acting Regional Director

Enclosure

cc: SEIU National Fast Food Workers Union  
850 West Jackson, Suite 275  
Chicago, IL 60607

**(b) (6), (b) (7)(C)**  
McDonald's  
600 North Clark Street  
Chicago, IL 60654-3615

Michael S. Ferrell, Esq.  
Elizabeth D. Winiarski  
Jones Day  
77 West Wacker Drive  
Chicago, IL 60601

(b) (6), (b) (7)(C)  
McDonalds  
203 North LaSalle  
Chicago, IL 60601

(b) (6), (b) (7)(C)  
McDonald's  
10 East Chicago Avenue  
Chicago, IL 60611-2009

(b) (6), (b) (7)(C)  
McDonald's  
6231 North Broadway Street  
Chicago, IL 60660-1902

(b) (6), (b) (7)(C)  
McDonald's  
2635 North Clark Street  
Chicago, IL 60614-1512

(b) (6), (b) (7)(C)  
McDonald's  
13783 West Oasis Service Road  
Lake Forest, IL 60045-1024

(b) (6), (b) (7)(C)  
McDonald's  
4946 North Milwaukee Avenue  
Chicago, IL 60630-2115

(b) (6), (b) (7)(C)  
McDonald's  
645 North McClurg Court  
Chicago, IL 60611-3058

(b) (6), (b) (7)(C)  
McDonald's  
3020 South Halsted Street  
Chicago, IL 60608-5805

(b) (6), (b) (7)(C)  
McDonald's  
1380 West Lake Street  
Chicago, IL 60607-1502

(b) (6), (b) (7)(C)  
McDonald's  
1117 West Howard  
Evanston, IL 60002

(b) (6), (b) (7)(C)  
McDonald's  
2350 North Central Avenue  
Chicago, IL 60639-2934

(b) (6), (b) (7)(C)  
McDonald's  
5130 North Sheridan Road  
Chicago, IL 60640-3114

McDonald's USA LLC  
2111 McDonald's Drive  
Oak Brook, IL 60523

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

---

Case Name(s).

---

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

---

*(Signature)*

LAW OFFICES  
**DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH**

8 SOUTH MICHIGAN AVENUE • 19TH FLOOR  
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J. PETER DOWD  
JOSIAH A. GROFF  
JUSTIN J. LANNOYE  
DAVID P. LICHTMAN  
GEORGE A. LUSCOMBE III  
RONALD M. WILLIS  
STEPHEN A. YOKICH  
  
WILLIAM M. KINNEY  
ELIZABETH L. ROWE

August 22, 2018

**VIA EMAIL**

Mr. Mark E. Arbesfeld  
Director, NLRB Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570

**Re: McDonald's  
Case 13-CA-219614**

Dear Mr. Arbesfeld:

This letter is an appeal on behalf of Charging Party SEIU National Fast Food Workers Union from the August 9 decision of Acting Regional Director Jessica Muth to dismiss the charge in the above matter. I hold Ms. Muth and the management and staff of Region 13 in high regard, but nonetheless submit that the dismissal in this case reflects a distressing abdication of their obligation to protect the rights of workers to engage in protected, concerted and Union activities without fear of reprisal. To the contrary, the decision suggests a slavish willingness to defer to just about anything an employer can come up with to justify what should be recognized as discriminatory and retaliatory conduct.

Having requested a long-form dismissal letter based on our intention to appeal the decision to dismiss, I learned from the August 9 letter that the evidence was found "insufficient to show the Employer retaliated against [(b) (6), (b) (7)(C)] for [(b) (6), (b) (7)(C)] protected concerted or union activities or to discourage [(b) (6), (b) (7)(C)] and other employees from participating in such activities" and that instead, the totality of the evidence "showed the Employer offered employees alternate employment based on job classifications rather than seniority." I do not know the details of what the Employer presented; but even if the Employer did show temporary placement of employees was made based on



Mr. Mark E. Arbesfeld  
August 22, 2018  
Page 2

classifications rather than seniority, I submit that there is more than ample evidence on which to have found merit to the charge.

The dismissal letter says nothing about the context in which this matter arose, and that context is important. *Very* important. What I refer to as “context” here means two things: who did it and who they did it to. (Okay, “to whom they did it.”)

Starting with the “who did it” side, the charge names (1) the McDonald’s facility at 600 N. Clark St. in Chicago, where (b) (6), (b) (7)(C) worked for (b) (6), (b) (7)(C) until (b) (6), (b) (7)(C) 2017 and where (b) (6), (b) (7)(C) has been told (b) (6), (b) (7)(C) will be re-employed when the facility reopens after a major construction project, (2) the twelve other McDonald’s locations in the Chicago area that are part of what may properly be called the “Karavites McDonalds Group,” and (3) McDonald’s USA, which was charged as a joint employer but against which the Region did not solicit or--as far as Charging Party SEIU National Fast Food Workers Union (“Union”) knows--develop any evidence.

The Karavites McDonald’s Group generally, the 600 North Clark location in particular, and (b) (6), (b) (7)(C) personally established quite a record of unlawful conduct in response to the Fight for \$15 campaign, demonstrating a proclivity to violate the Act by repeatedly engaging in retaliatory and other unlawful conduct. Or at least they established quite a record of taking actions that the responsible authorities within the Regional and Board structure found to present sufficient evidence of such unlawful conduct as to justify the issuance of complaints. Lots of complaints.

In Case 13-CA-131143, which is part of the consolidated complaint issued December 19, 2014, the 600 North Clark location, of which (b) (6), (b) (7)(C) was identified as the (b) (6), (b) (7)(C), was charged with promulgating an unlawful rule by purporting to prohibit employees, under penalty of civil and criminal prosecution, from using, copying, or reproducing material related to certain terms and conditions of employment. The same location was the subject of complaints in Cases 13-CA-107668 and 13-CA-113837 alleging that the facility’s (b) (6), (b) (7)(C) disciplined two employees for engaging in protected, concerted activities, denied an employee’s request to switch shifts in retaliation for (b) (6), (b) (7)(C) participation in protected, concerted activities, and threatened employees with suspension if they engaged in concerted activities.

The consolidated complaint also presented claims against the (b) (6), (b) (7)(C) facility a few blocks away at 201 North Clark Street, alleging in Case 13-CA-106490 that the employer committed the following violations at that location:

- Retaliatory reductions in hours for two employees.
- Retaliatory change of an employee’s job duties.

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- Retaliatory refusal to allow employee to clock in for work as scheduled, thereby reducing (b) (6), (b) (7)(C) hours.
- Retaliatory imposition of more onerous and rigorous terms and conditions of employment on an employee.
- Threats of termination if employees engaged in Union activities.
- Threats to have employees arrested if they engaged in Union activities.
- Solicitation, by (b) (6), (b) (7)(C), of employee complaints and grievances.
- Promises, by (b) (6), (b) (7)(C), of increased benefits and improved terms and conditions of employment if employees refrained from engaging in Union activities.
- Unlawful promises, by (b) (6), (b) (7)(C), to resolve grievances if employees refrained from engaging in Union activities.
- Unlawful prohibition on employees signing documents given to them by the Union.
- Unlawful surveillance.
- Unlawful maintenance of rules regarding where employees could take breaks.
- Unlawful maintenance of rules prohibiting solicitation.
- Promulgating and maintaining a handbook that purported to impose unlawful prohibitions on solicitation.
- Unlawfully announcing, promulgating, and maintaining rules purportedly prohibiting employees from belonging to organizations except outside the facility.
- Unlawfully announcing, promulgating, and maintaining rules purportedly prohibiting communications with Union representatives at the facility.
- Unlawfully announcing, promulgating, and maintaining rules purportedly prohibiting solicitation and/or distribution of Union material at the facility.



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In Case 13-CA-106491, arising from the (b) (6), (b) (7)(C) facility at 10 East Chicago Avenue in Chicago, the complaint alleged that the respondent engaged in the following unlawful conduct:

- Reducing the hours of an employee in retaliation for (b) (6), (b) (7)(C) protected activities and in an effort to discourage other employees from engaging in such activity.
- Preventing an employee from clocking into work at (b) (6), (b) (7)(C) regularly scheduled time, thereby reducing (b) (6), (b) (7)(C) hours, in retaliation for (b) (6), (b) (7)(C) protected activity and in an effort to discourage other employees from engaging in such activity.
- Threatening employees, *through the actions of* (b) (6), (b) (7)(C) with termination if they engaged in Union activities.
- Interfering, *through the actions of* (b) (6), (b) (7)(C) with Section 7 rights by accusing employees of harassment because they had engaged in Union activity.
- Unlawfully insisting, *through the actions of* (b) (6), (b) (7)(C) that employees promise not to engage in Union activity within the facility.
- Unlawfully soliciting, *through the actions of* (b) (6), (b) (7)(C) employee complaints and grievances and implicitly promising to remedy those grievances as a means of interfering with organizing activities.
- Unlawfully prohibiting, *through the actions of* (b) (6), (b) (7)(C) employees from soliciting inside the store.
- Unlawfully prohibiting, *through the actions of* (b) (6), (b) (7)(C) employees from conducting protected Union activities during work or at the facility.
- Threatening employees, on another occasion, with termination if they engaged in Union activities.
- Unlawfully promulgating and maintaining rules that purported to require that matters related to terms and conditions of employment be kept confidential, and purporting to require employees to sign a confidentiality agreement applying in part to these subjects as a condition of employment.

Finally, the consolidated complaint alleged in Case 13-CA-134812 the (b) (6), (b) (7)(C) facility at 1004 West Wilson unlawfully promulgated and maintained a rule prohibiting



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employees from sharing information regarding scheduling, and threatened them with civil and criminal prosecution if they failed to maintain the confidentiality of scheduling information.

Subsequent to the issuance of the consolidated complaint, the (b) (6), (b) (7)(C) facility at 5130 N. Sheridan in Chicago was the subject of the complaint in Case 13-CA-159428. That complaint alleged that the employer reduced the hours of a Union activist in retaliation for (b) (6), (b) (7)(C) protected, concerted activities, unlawfully directed employees not to wear Union buttons at work, and unlawfully directed employees not to discuss Union issues at work.

The last of these cases, which was not part of the consolidated complaint, was settled with a non-admissions clause. But that does not mean the employer was absolved of responsibility or was found not to have engaged in the unlawful conduct. It simply means the parties found it in their mutual interest to settle the case on those terms and allow the employer to deny misconduct. The fact remains that representatives of Region 13 thoroughly investigated the case, found merit to the charge, and were supported in this determination by representatives of Region 2.

As to the three complaints against the 600 N. Clark facility that were part of the consolidated complaint, and the three separate complaints that are part of the consolidated complaint and name other (b) (6), (b) (7)(C) facilities, I am aware that the General Counsel has proposed resolving them with various forms of relief and with non-admissions clauses as part of the proposed overall settlement of the consolidated complaint. But of course that proposal has not been approved. To the contrary, Administrative Law Judge Esposito rejected that proposed settlement; and therefore these (b) (6), (b) (7)(C) facilities, like the other respondents in the consolidated complaint cases, continue to stand accused of all manner of unlawful conduct.

In any event, regardless of whatever happens from here with respect to the disputed settlement, the Region should not have--and you should not--ignore the fact that in each of these cases, the authorities responsible for investigating such matters found there was sufficient evidence that members of the Karavites Group violated the Act as to issue all those complaints. The General Counsel has not proposed to settle those cases and the others because somebody came along with a big batch of evidence showing it was a mistake all that time, and that the (b) (6), (b) (7)(C) facilities (for example) actually had shown a consistent understanding of and respect for employee rights as (theoretically) protected by the Act. Nor, so far as I know, did the General Counsel seek to settle those cases on the proposed terms because he concluded the Act should be interpreted to permit employers to retaliate against employees for engaging in concerted and Union activities and to try to discourage other employees from engaging in such



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activities, by firing employees, suspending them, imposing other forms of discipline on them, and cutting their hours; by threatening employees with termination and loss of hours if they participate in concerted activities, by engaging in surveillance and interrogation, and by promulgating rules that effectively prohibit participation in Union and concerted activities.

Thus, despite proposed issuance of six labor law equivalents of "Get Out of Jail Free" cards to 600 N. Clark and the other (b) (6), (b) (7)(C) facilities, part of the context that I submit should not have been ignored, and should not *be* ignored, is that the 600 N. Clark facility in particular, the Karavites McDonalds Group generally, and (b) (6), (b) (7)(C) personally do *not* respect the rights of employees to engage in activities that the Act is designed to protect and have *no* compunction about violating the Act in response to organizing efforts of the Fight for \$15 movement.

The other setting off point in presenting the context in which the case should be considered is the identity and background of the affected employee, (b) (6), (b) (7)(C). As demonstrated in (b) (6), (b) (7)(C), (b) (7)(D) and in documents we presented to Region 13, (b) (6), (b) (7)(C) has been active with the Fight for \$15 campaign since it started in Chicago. During that time, (b) (6), (b) (7)(C) participated in at least two strikes each in (b) (6), (b) (7)(C) and in at least one strike in (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) was observed by the (b) (6), (b) (7)(C) whom (b) (6), (b) (7)(C) understands to manage all of the (b) (6), (b) (7)(C) locations, (b) (6), (b) (7)(C) participated in protests (some of which were televised) in a number of locations, and (b) (6), (b) (7)(C) was in the presence of (b) (6), (b) (7)(C) during at least one of these protests. Strike letters that the Union provided to the Employer in advance of the strikes, copies of which we provided to the Region and I attach here, show that (b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C) employee listed as going on strike in (b) (6), (b) (7)(C) and that in (b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C) employee listed as participating in (b) (6), (b) (7)(C) strikes, having been joined by (b) (6), (b) (7)(C) co-workers on each of those (b) (6), (b) (7)(C) strike notices. The evidence shows that if there were (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) from the (b) (6), (b) (7)(C) facility at 600 North Clark Street, it would be (b) (6), (b) (7)(C).

Thus, the context of this charge is that we are dealing with (1) a recidivist labor law violator (at least to the extent of having been the subject of numerous complaints) and (2) the (b) (6), (b) (7)(C) from the "Rock n Roll McDonald's," which is that employer's largest and most visible facility.

The action challenged through the charge occurred when the 600 N. Clark location was preparing to close on a temporary basis for extensive reconstruction. As set forth in (b) (6), (b) (7)(C), (b) (7)(D) and other employees heard rumors of the planned closing and (b) (6), (b) (7)(C) undertook steps to determine if the rumors were true and how a closing would affect (b) (6), (b) (7)(C) employment. (b) (6), (b) (7)(C) spoke in (b) (6), (b) (7)(C) to at least two separate supervisory



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officials, each of whom told (b) (6), (b) (7)(C) they did not have information about where employees would be placed temporarily during the construction.

In (b) (6), (b) (7)(C), when other employees reported the closing date was (b) (6), (b) (7)(C) renewed (b) (6), (b) (7)(C) efforts to obtain information. The (b) (6), (b) (7)(C) spoke to in the last (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) did not know what would be happening but there would be a list coming out that afternoon about where employees would be sent. In fact, a list was posted in the break room on the evening of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was not shown as being designated for assignment at any of the other locations. (b) (6), (b) (7)(C) went to a (b) (6), (b) (7)(C) to ask why (b) (6), (b) (7)(C) had not been included in the group receiving temporary transfers and (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) did not know "and that the list was created by the main bosses." (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) questioned (b) (6), (b) (7)(C) about the number of people who were being given temporary reassignments and asked that (b) (6), (b) (7)(C) find a place for (b) (6), (b) (7)(C) but (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) could not do anything. (b) (6), (b) (7)(C) then talked to another supervisor and asked for a written statement that (b) (6), (b) (7)(C) would be returned to work after the renovations, and that supervisor provided such a statement to (b) (6), (b) (7)(C) a copy of which we submitted to the Region and attach to this statement.

(b) (6), (b) (7)(C) took pictures of at least some of the lists posted on (b) (6), (b) (7)(C) of employees receiving temporary transfers. We provided copies of those three photographs to the Region and I attach copies here. I am not sure if these three lists are all-inclusive, but they show at least 45 non-managerial employees receiving temporary assignments and they show the 12 named (b) (6), (b) (7)(C) facilities other than 600 N. Clark where employees were receiving such temporary reassignments. (b) (6), (b) (7)(C) was not included among these employees, despite having worked at the 600 North Clark location for (b) (6), (b) (7)(C).

As noted above, the dismissal letter states that the employer made the temporary assignments based on job classifications rather than seniority. The (b) (6), (b) (7)(C), (b) (7)(D) states that (b) (6), (b) (7)(C), (b) (7)(D) Subsequently, when the investigating agent did a follow-up interview by phone, (b) (6), (b) (7)(C) explained (b) (6), (b) (7)(C) duties included working on french fries and the soda machine, cleaning the lobby and the bathrooms, and working the drive-thru line.

I do not have information as to what job classifications the charged parties claimed employees receiving the temporary transfers had been assigned. But the descriptions of positions on the lists (b) (6), (b) (7)(C) photographed shows that in addition to what apparently are managerial positions, there were two employees transferred (to two separate facilities) to positions shown as being "anywhere," two who were designated as lobby workers and were transferred to two separate facilities, one whose position is



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shown as being "Fries," one as "Prep/Kitchen," two whose the positions are Maintenance and are shown as going to separate locations, and 38 who are shown as either "Kitchen," "Service," "Prep/Kitchen," or "Service/C/T." Based on (b) (6), (b) (7)(C), (b) (7)(D) as to the jobs (b) (6), (b) (7)(C) performed while working at 600 North Clark, it would appear that (b) (6), (b) (7)(C) worked in each of those areas. Furthermore, one would think that having such a breadth of experience in each of these different areas would make (b) (6), (b) (7)(C) even more desirable and useful.

But there was not position for (b) (6), (b) (7)(C)

Why not, do you suppose?

- If the reassignments were made by job classification and, as the investigating agent suggested, (b) (6), (b) (7)(C) was listed on at least some employer form as being a "(b) (6), (b) (7)(C)," what was it about (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) that made each of them more deserving of the ongoing work opportunities at the (b) (6), (b) (7)(C) facilities at (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) than this (b) (6), (b) (7)(C) employee who did not receive an assignment?
- Insofar as (b) (6), (b) (7)(C), (b) (7)(D) that (b) (6), (b) (7)(C) worked on french fries, why was (b) (6), (b) (7)(C) given that assignment at (b) (6), (b) (7)(C) rather than (b) (6), (b) (7)(C)?
- And insofar as (b) (6), (b) (7)(C), (b) (7)(D) indicated (b) (6), (b) (7)(C) had performed a variety of tasks, why were (b) (6), (b) (7)(C) designated to work "anywhere" respectively at the (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) facilities rather than (b) (6), (b) (7)(C) (And as to the two of them, is there really an "anywhere" classification which determined their temporary assignments, or was there some reason the purported reliance on classifications was not actually applied to the two of them?)
- (b) (6), (b) (7)(C), (b) (7)(D) shows (b) (6), (b) (7)(C) worked the drive-thru line, so why was (b) (6), (b) (7)(C) less deserving than each of the *twenty* employees who received temporary assignments to service positions and other positions?
- Insofar as the (b) (6), (b) (7)(C), (b) (7)(D) had done maintenance work, so why did (b) (6), (b) (7)(C) lose out to the two individuals who received assignments for maintenance positions?



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- Why would (b) (6), (b) (7)(C) experience as a cook not have been sufficient to land (b) (6), (b) (7)(C) one of the *seventeen* Kitchen positions, or perhaps the Prep/Kitchen positions?

I submit that the fact that (b) (6), (b) (7)(C) held down a job at this facility for (b) (6), (b) (7)(C) indicates (b) (6), (b) (7)(C) must have been at least a pretty darn good worker. Similarly, the action of (b) (6), (b) (7)(C) in giving (b) (6), (b) (7)(C) a written statement that (b) (6), (b) (7)(C) would get (b) (6), (b) (7)(C) job back after the reconstruction was completed suggests (b) (6), (b) (7)(C) was a valued employee. I also suggest that (b) (6), (b) (7)(C) breadth of experience as indicated in (b) (6), (b) (7)(C) would provide the type of flexibility that presumably would be valuable to an employer, and therefore would have made (b) (6), (b) (7)(C) a good fit for one of the particular areas being filled or for one of the “anywhere” positions.

(b) (6), (b) (7)(C), (b) (7)(D) that a substantial number of employees left voluntarily between when the rumors of the impending shutdown began circulating in (b) (6), (b) (7)(C) and when the facility actually closed in (b) (6), (b) (7)(C), but I do not know exactly how many were within the pool from which those given reassignments were selected. Nor do I know how many of those remaining employees had gone to two separate managers to make clear that they were eager for a temporary assignment, how many had the breadth of experience (b) (6), (b) (7)(C) had, and how many--if *any*--had the length of service (which presumably would count for *something*, even if “classification” was the decisive factor). Nor do I know whether employees who were not on the lists posted on (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) photographed were contacted subsequently and offered positions at one of the other twelve (b) (6), (b) (7)(C) facilities. Perhaps the Region learned the answers to each of those questions before making its no-merit determination. And perhaps the Region also learned why each of the employees listed, along with any other employees whose names did not appear on the three lists (b) (6), (b) (7)(C) photographed but who might ultimately have found employment, was considered so much more valuable than (b) (6), (b) (7)(C).

I also do not know whether the charged parties identified the “main bosses” whom (b) (6), (b) (7)(C) (last name unknown) told (b) (6), (b) (7)(C) had created the lists of who would receive a temporary assignment. Nor do I know whether the charged parties explained whether each of those “main bosses” had the same role in deciding the fate of each employee who was being considered for a temporary reassignment. Maybe the Region asked that question and learned what role, if any, was played in deciding the fate of (b) (6), (b) (7)(C) and/or other employees by the “most main” of all the bosses, (b) (6), (b) (7)(C) whose personal role in allegedly unlawful conduct was cited so frequently in the complaints discussed earlier. But because of the nature of the investigatory process, I am not in a position to know whether the Region inquired about these points or others.

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH

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Although I do not know the answers to those questions, I *do* know the answers to some other questions:

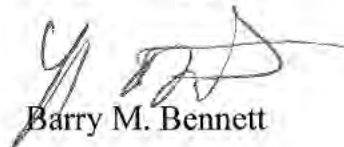
- Is there anybody listed on the (b) (6), (b) (7)(C) 2017 strike notice who was given a temporary assignment? NO.
- Is there anybody who was listed on the notification for the (b) (6), (b) (7)(C), 2016 strike notice who was given a temporary assignment? NO.
- Is there anybody who was listed on the notification for the (b) (6), (b) (7)(C), 2016 strike who was given a temporary assignment? NO.
- Did agents and management officials at Region 13, whose determinations were scrutinized and approved by Region 2, determine there was sufficient evidence to issue three separate complaints against the 600 N. Clark facility and four additional complaints against (b) (6), (b) (7)(C) facilities in connection with the Fight for \$15 campaign, with several of those complaints referring in detail to unlawful conduct by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) YES!

This one stinks.

I respectfully urge the Office of Appeals to sustain this appeal and direct Region 13 to issue a complaint on the charge.

Thank you for your consideration, and please let me now if there is any additional information I can provide or any specific points you would like me to address further.

Respectfully yours,



Barry M. Bennett

BMB/er

Enclosures

cc: Mr. Ben Master, SEIU NFFWU (w/o encs.)  
(b) (6), (b) (7)(C), SEIU NFFWU (w/o encs.)  
Ms. Johnda Bentley, SEIU (w/o encs.)



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, DC 20570

August 22, 2018

BARRY M. BENNETT, ESQ.  
DOWD BLOCH BENNETT CERVONE  
AUERBACH & YOKICH  
8 S MICHIGAN AVE STE 1900  
CHICAGO, IL 60603-3315

Re: McDonald's as a single integrated enterprise  
and McDonald's USA, LLC a joint  
employer  
Case 13-CA-219614

Dear Mr. Bennett:

We have received your appeal and accompanying material. We will assign it for processing in accordance with Agency procedures, which include review of the investigatory file and your appeal in light of current Board law. We will notify you and all other involved parties as soon as possible of our decision.

Sincerely,

Peter Barr Robb  
General Counsel

A handwritten signature in black ink that reads "Mark E. Arbesfeld". The signature is written in a cursive, flowing style.

By: \_\_\_\_\_  
Mark E. Arbesfeld, Director  
Office of Appeals



cc: PETER SUNG OHR  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS  
BOARD  
DIRKSEN FEDERAL BUILDING  
219 S DEARBORN ST STE 808  
CHICAGO, IL 60604-2027

(b) (6), (b) (7)(C)  
MCDONALD'S  
600 N CLARK ST  
CHICAGO, IL 60654-3615

(b) (6), (b) (7)(C)  
MCDONALD'S  
203 N LASALLE  
CHICAGO, IL 60601

(b) (6), (b) (7)(C)  
MCDONALD'S  
10 E CHICAGO AVE  
CHICAGO, IL 60611-2009

(b) (6), (b) (7)(C)  
MCDONALD'S  
6231 N BROADWAY ST  
CHICAGO, IL 60660-1902

(b) (6), (b) (7)(C)  
MCDONALD'S  
2635 N CLARK ST  
CHICAGO, IL 60614-1512

(b) (6), (b) (7)(C)  
MCDONALD'S  
13783 W OASIS SERVICE RD  
LAKE FOREST, IL 60045-1024

(b) (6), (b) (7)(C)  
MCDONALD'S  
4946 N MILWAUKEE AVE  
CHICAGO, IL 60630-2115

ELIZABETH D. WINIARSKI  
ASSOCIATE  
JONES DAY  
77 W WACKER DR STE 3500  
CHICAGO, IL 60601-1692

MCDONALD'S USA LLC  
2111 MCDONALD'S DRIVE  
OAK BROOK, IL 60523

(b) (6), (b) (7)(C)  
MCDONALD'S  
3020 S HALSTED ST  
CHICAGO, IL 60608-5805

(b) (6), (b) (7)(C)  
MCDONALD'S  
645 N MCCLURG CT  
CHICAGO, IL 60611-3058

(b) (6), (b) (7)(C)  
MCDONALD'S  
1380 W LAKE ST  
CHICAGO, IL 60607-1502

(b) (6), (b) (7)(C)  
MCDONALD'S  
1117 W. HOWARD  
EVANSTON, IL 60002

(b) (6), (b) (7)(C)  
MCDONALD'S  
5130 N SHERIDAN RD  
CHICAGO, IL 60640-3114

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McDonald's as a single integrated enterprise  
and McDonald's USA, LLC a joint  
employer  
Case 13-CA-219614

-3

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WORKERS UNION  
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CHICAGO, IL 60607

cl



Case Name: McDonald's as a single integrated enterprise and McDonald's USA, LLC a joint employer  
Case No.: 13-CA-219614  
Agent: FA Cortez

## CASEHANDLING LOG

[illegible]

Date	Person Contacted	Method of Contact	Description of Contact or Activity

Agent: Field Attorney Elizabeth Cortez

## CASEHANDLING LOG

[illegible]



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, DC 20570

November 16, 2018

BARRY M. BENNETT, ESQ.  
DOWD BLOCH BENNETT CERVONE  
AUERBACH & YOKICH  
8 S MICHIGAN AVE STE 1900  
CHICAGO, IL 60603-3315

Re: McDonald's as a single integrated enterprise  
and McDonald's USA, LLC a joint  
employer  
Case 13-CA-219614

Dear Mr. Bennett:

Your appeal from the Acting Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Acting Regional Director's letter of August 9, 2018.

We determined that a departure from the Acting Regional Director's decision was not warranted, under the circumstances presented in this case. In that regard, and notwithstanding evidence of prior alleged unlawful conduct and your discussion of the same on appeal, the evidence in this case was insufficient to establish that the Employer retaliated against the alleged discriminatee in violation Section 8(a)(1) (3) of the National Labor Relations Act by not offering (b) (6), (b) (7)(C) alternate employment during the renovations of the facility where (b) (6), (b) (7)(C) worked. The investigation disclosed that the alleged discriminatee was one of more than 40 employees who were not initially offered alternative employment. Additionally, the evidence indicated that other employees who engaged in similar protected activities *were* offered alternate employment, which belies any allegation or assertion of retaliation or disparate treatment. Moreover, the investigation revealed that the Employer did, in fact, later offer the alleged discriminatee employment at a headquarters location.

While you questioned the adequacy of the Regional Office's investigation, a review of the scope and contents of the investigatory record disclosed that the Regional Office conducted the investigation in accordance with the procedures applicable to all cases and was adequate to resolve the issues presented. Consequently, nothing raised on appeal warrants a conclusion



contrary to that of the Acting Regional Director. Accordingly, further proceedings in these matters are unwarranted.

Sincerely,

Peter Barr Robb  
General Counsel



By: \_\_\_\_\_

Mark E. Arbesfeld, Director  
Office of Appeals

cc: PETER SUNG OHR  
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